

Calendar No. 37

107TH CONGRESS
1ST SESSION

S. 39

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. INOUE, Mr. CLELAND, Mr. REID, Mr. BINGAMAN, Mr. BIDEN, Mr. THURMOND, Mr. DASCHLE, Mrs. MURRAY, Mrs. BOXER, Mr. LEAHY, Mr. BENNETT, Mr. SHELBY, Mr. McCONNELL, Mr. HELMS, Mr. FRIST, Mr. HARKIN, Mr. KERRY, Mr. KENNEDY, Mr. SPECTER, Mr. DEWINE, Ms. SNOWE, Mr. JEFFORDS, Mr. JOHNSON, Mr. GRASSLEY, Mr. FEINGOLD, Mr. NELSON of Nebraska, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 10, 2001

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be referred to as
3 the “Public Safety Medal of Valor Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1: Short title; table of contents.
Sec. 2: Authorization of Medal of Valor.
Sec. 3: Medal of Valor Review Board.
Sec. 4: Board personnel matters.
Sec. 5: National medal office.
Sec. 6: Definitions.
Sec. 7: Authorization of appropriations.
Sec. 8: Conforming repeal.
Sec. 9: Consultation requirement.

6 **SEC. 2. AUTHORIZATION OF MEDAL OF VALOR.**

7 The President may award, and present in the name
8 of Congress, a Medal of Valor of appropriate design, with
9 ribbons and appurtenances, to a public safety officer who
10 is cited by the Attorney General, upon the recommenda-
11 tion of the Medal of Valor Review Board, for extraordinary
12 valor above and beyond the call of duty. The Public Safety
13 Medal of Valor is the highest national award for valor by
14 a public safety officer.

15 **SEC. 3. MEDAL OF VALOR REVIEW BOARD.**

16 (a) **ESTABLISHMENT OF BOARD.**—There is hereby
17 established a Medal of Valor Review Board (hereafter in
18 this Act referred to as the “Board”), which shall be com-
19 posed of 11 members appointed in accordance with sub-
20 section (b), and shall conduct its business in accordance
21 with this Act.

1 ~~(b) MEMBERSHIP.—~~

2 ~~(1) MEMBERS.—The members of the Board~~
 3 ~~shall be individuals with knowledge or expertise,~~
 4 ~~whether by experience or training, in the field of~~
 5 ~~public safety, of which—~~

6 ~~(A) two shall be appointed by the Majority~~
 7 ~~Leader of the Senate;~~

8 ~~(B) two shall be appointed by the Minority~~
 9 ~~Leader of the Senate;~~

10 ~~(C) two shall be appointed by the Speaker~~
 11 ~~of the House of Representatives;~~

12 ~~(D) two shall be appointed by the Minority~~
 13 ~~Leader of the House of Representatives; and~~

14 ~~(E) three shall be appointed by the Presi-~~
 15 ~~dent, including one with experience in fire-~~
 16 ~~fighting, one with experience in law enforce-~~
 17 ~~ment, and one with experience in emergency~~
 18 ~~services.~~

19 ~~(2) TERM.—The term of a Board member shall~~
 20 ~~be 4 years.~~

21 ~~(3) VACANCIES.—Any vacancy in the member-~~
 22 ~~ship of the Board shall not affect the powers of the~~
 23 ~~Board and shall be filled in the same manner as the~~
 24 ~~original appointment.~~

25 ~~(4) OPERATION OF THE BOARD.—~~

1 (A) MEETINGS.—The Board shall meet at
2 the call of the Chairman, who shall be elected
3 by the Board, and shall meet not less than
4 twice each year. The initial meeting of the
5 Board shall be conducted not later than 90
6 days after the appointment of the last member
7 of the Board.

8 (B) VOTING AND RULES.—A majority of
9 the members shall constitute a quorum to con-
10 duct business, but the Board may establish a
11 lesser quorum for conducting hearings sched-
12 uled by the Board. The Board may establish by
13 majority vote any other rules for the conduct of
14 the Board's business, if such rules are not in-
15 consistent with this Act or other applicable law.

16 (c) DUTIES.—The Board shall select candidates as
17 recipients of the Medal of Valor from among applications
18 received by the National Medal Office. Not more than once
19 each year, the Board shall present to the Attorney General
20 the name or names of persons it recommends as Medal
21 of Valor recipients. In a given year, the Board is not re-
22 quired to select any recipients, but is limited to a max-
23 imum number of 10 recipients. The Attorney General may
24 in extraordinary cases increase the number of recipients

1 in a given year. The Board shall set an annual timetable
2 for fulfilling its duties under this Act.

3 ~~(d) HEARINGS.—~~

4 ~~(1) IN GENERAL.—~~The Board may hold such
5 hearings, sit and act at such times and places, ad-
6 minister such oaths, take such testimony, and re-
7 ceive such evidence as the Board considers advisable
8 to carry out its duties.

9 ~~(2) WITNESS EXPENSES.—~~Witnesses requested
10 to appear before the Board may be paid the same
11 fees as are paid to witnesses under section 1821 of
12 title 28, United States Code. The per diem and mile-
13 age allowances for witnesses shall be paid from
14 funds appropriated to the Board.

15 ~~(e) INFORMATION FROM FEDERAL AGENCIES.—~~The
16 Board may secure directly from any Federal department
17 or agency such information as the Board considers nec-
18 essary to carry out its duties. Upon the request of the
19 Board, the head of such department or agency may fur-
20 nish such information to the Board.

21 ~~(f) INFORMATION TO BE KEPT CONFIDENTIAL.—~~
22 The Board shall not disclose any information which may
23 compromise an ongoing law enforcement investigation or
24 is otherwise required by law to be kept confidential.

1 **SEC. 4. BOARD PERSONNEL MATTERS.**

2 ~~(a) COMPENSATION OF BOARD MEMBERS.—~~

3 ~~(1) NON-GOVERNMENT.—Except as provided in~~
 4 ~~paragraph (2), each member of the Board shall be~~
 5 ~~compensated at a rate equal to the daily equivalent~~
 6 ~~of the annual rate of basic pay prescribed for level~~
 7 ~~IV of the Executive Schedule under section 5315 of~~
 8 ~~title 5, United States Code, for each day (including~~
 9 ~~travel time) during which such member is engaged~~
 10 ~~in the performance of the duties of the Board.~~

11 ~~(2) GOVERNMENT.—All members of the Board~~
 12 ~~who serve as officers or employees of the United~~
 13 ~~States, a State, or local government, shall serve~~
 14 ~~without compensation in addition to that received for~~
 15 ~~those services.~~

16 ~~(b) TRAVEL EXPENSES.—The members of the Board~~
 17 ~~shall be allowed travel expenses, including per diem in lieu~~
 18 ~~of subsistence, at rates authorized for employees of agen-~~
 19 ~~cies under subchapter 1 of chapter 57 of title 5, United~~
 20 ~~States Code, while away from their homes or regular~~
 21 ~~places of business in the performance of service for the~~
 22 ~~Board.~~

23 **SEC. 5. NATIONAL MEDAL OFFICE.**

24 ~~There is established within the Department of Justice~~
 25 ~~a national medal office. The office shall generally support~~
 26 ~~the Board and shall, with the concurrence of the Board,~~

1 establish criteria and procedures for the submission of rec-
 2 ommendations of nominees for the Medal of Valor.

3 **SEC. 6. DEFINITIONS.**

4 For purposes of this Act—

5 (1) the term “public safety officer” means a
 6 person serving a public agency, with or without com-
 7 pensation, as a firefighter, law enforcement officer
 8 (including a corrections or court officer or a civil de-
 9 fense officer), or emergency services officer, as de-
 10 fined by the Attorney General in implementing this
 11 Act; and

12 (2) the term “State” means each of the several
 13 States of the United States, the District of Colum-
 14 bia, the Commonwealth of Puerto Rico, the Virgin
 15 Islands, Guam, American Samoa, and the Common-
 16 wealth of the Northern Mariana Islands.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Attor-
 19 ney General such sums as may be necessary to carry out
 20 this Act.

21 **SEC. 8. CONFORMING REPEAL.**

22 Section 15 of the Federal Fire Prevention and Con-
 23 trol Act of 1974 is repealed.

1 **SEC. 9. CONSULTATION REQUIREMENT.**

2 The Attorney General shall consult with the Institute
3 of Heraldry within the Department of Defense regarding
4 the design and artistry of the Medal of Valor. The Attor-
5 ney General shall also consider suggestions received by the
6 Department of Justice regarding the design of the medal,
7 including those made by persons not employed by the De-
8 partment.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Public Safety Officer*
11 *Medal of Valor Act of 2001”.*

12 **SEC. 2. AUTHORIZATION OF MEDAL.**

13 *After September 1, 2001, the President may award,*
14 *and present in the name of Congress, a Medal of Valor of*
15 *appropriate design, with ribbons and appurtenances, to a*
16 *public safety officer who is cited by the Attorney General,*
17 *upon the recommendation of the Medal of Valor Review*
18 *Board, for extraordinary valor above and beyond the call*
19 *of duty. The Public Safety Medal of Valor shall be the high-*
20 *est national award for valor by a public safety officer.*

21 **SEC. 3. MEDAL OF VALOR BOARD.**

22 (a) *ESTABLISHMENT OF BOARD.*—*There is established*
23 *a Medal of Valor Review Board (hereinafter in this Act re-*
24 *ferred to as the “Board”), which shall be composed of 11*
25 *members appointed in accordance with subsection (b) and*
26 *shall conduct its business in accordance with this Act.*

1 (b) *MEMBERSHIP.*—

2 (1) *MEMBERS.*—*The members of the Board shall*
 3 *be individuals with knowledge or expertise, whether*
 4 *by experience or training, in the field of public safety,*
 5 *of which—*

6 (A) *two shall be appointed by the majority*
 7 *leader of the Senate;*

8 (B) *two shall be appointed by the minority*
 9 *leader of the Senate;*

10 (C) *two shall be appointed by the Speaker*
 11 *of the House of Representatives;*

12 (D) *two shall be appointed by the minority*
 13 *leader of the House of Representatives; and*

14 (E) *three shall be appointed by the Presi-*
 15 *dent, including one with experience in fire-*
 16 *fighting, one with experience in law enforcement,*
 17 *and one with experience in emergency services.*

18 (2) *TERM.*—*The term of a Board member shall*
 19 *be 4 years.*

20 (3) *VACANCIES.*—*Any vacancy in the member-*
 21 *ship of the Board shall not affect the powers of the*
 22 *Board and shall be filled in the same manner as the*
 23 *original appointment.*

24 (4) *OPERATION OF THE BOARD.*—

1 (A) *CHAIRMAN.*—*The Chairman of the*
 2 *Board shall be elected by the members of the*
 3 *Board from among the members of the Board.*

4 (B) *MEETINGS.*—*The Board shall conduct*
 5 *its first meeting not later than 90 days after the*
 6 *appointment of the last member appointed of the*
 7 *initial group of members appointed to the*
 8 *Board. Thereafter, the Board shall meet at the*
 9 *call of the Chairman of the Board. The Board*
 10 *shall meet not less often than twice each year.*

11 (C) *VOTING AND RULES.*—*A majority of the*
 12 *members shall constitute a quorum to conduct*
 13 *business, but the Board may establish a lesser*
 14 *quorum for conducting hearings scheduled by the*
 15 *Board. The Board may establish by majority*
 16 *vote any other rules for the conduct of the*
 17 *Board's business, if such rules are not incon-*
 18 *sistent with this Act or other applicable law.*

19 (c) *DUTIES.*—*The Board shall select candidates as re-*
 20 *cipients of the Medal of Valor from among those applica-*
 21 *tions received by the National Medal of Valor Office. Not*
 22 *more often than once each year, the Board shall present to*
 23 *the Attorney General the name or names of those it rec-*
 24 *ommends as Medal of Valor recipients. In a given year, the*
 25 *Board shall not be required to select any recipients but may*

1 *not select more than 5 recipients. The Attorney General*
 2 *may in extraordinary cases increase the number of recipi-*
 3 *ents in a given year. The Board shall set an annual time-*
 4 *table for fulfilling its duties under this Act.*

5 (d) *HEARINGS.—*

6 (1) *IN GENERAL.—The Board may hold such*
 7 *hearings, sit and act at such times and places, ad-*
 8 *minister such oaths, take such testimony, and receive*
 9 *such evidence as the Board considers advisable to*
 10 *carry out its duties.*

11 (2) *WITNESS EXPENSES.—Witnesses requested to*
 12 *appear before the Board may be paid the same fees*
 13 *as are paid to witnesses under section 1821 of title*
 14 *28, United States Code. The per diem and mileage al-*
 15 *lowances for witnesses shall be paid from funds ap-*
 16 *propriated to the Board.*

17 (e) *INFORMATION FROM FEDERAL AGENCIES.—The*
 18 *Board may secure directly from any Federal department*
 19 *or agency such information as the Board considers nec-*
 20 *essary to carry out its duties. Upon the request of the*
 21 *Board, the head of such department or agency may furnish*
 22 *such information to the Board.*

23 (f) *INFORMATION TO BE KEPT CONFIDENTIAL.—The*
 24 *Board shall not disclose any information which may com-*

1 *promise an ongoing law enforcement investigation or is oth-*
 2 *erwise required by law to be kept confidential.*

3 **SEC. 4. BOARD PERSONNEL MATTERS.**

4 (a) *COMPENSATION OF MEMBERS.*—(1) *Except as pro-*
 5 *vided in paragraph (2), each member of the Board shall*
 6 *be compensated at a rate equal to the daily equivalent of*
 7 *the annual rate of basic pay prescribed for level IV of the*
 8 *Executive Schedule under section 5315 of title 5, United*
 9 *States Code, for each day (including travel time) during*
 10 *which such member is engaged in the performance of the*
 11 *duties of the Board.*

12 (2) *All members of the Board who serve as officers or*
 13 *employees of the United States, a State, or a local govern-*
 14 *ment, shall serve without compensation in addition to that*
 15 *received for those services.*

16 (b) *TRAVEL EXPENSES.*—*The members of the Board*
 17 *shall be allowed travel expenses, including per diem in lieu*
 18 *of subsistence, at rates authorized for employees of agencies*
 19 *under subchapter I of chapter 57 of title 5, United States*
 20 *Code, while away from their homes or regular places of*
 21 *business in the performance of service for the Board.*

22 **SEC. 5. DEFINITIONS.**

23 *In this Act:*

24 (1) *PUBLIC SAFETY OFFICER.*—*The term “public*
 25 *safety officer” means a person serving a public agen-*

1 *cy, with or without compensation, as a firefighter,*
 2 *law enforcement officer, or emergency services officer,*
 3 *as determined by the Attorney General. For the pur-*
 4 *poses of this paragraph, the term “law enforcement*
 5 *officer” includes a person who is a corrections or*
 6 *court officer or a civil defense officer.*

7 (2) *STATE.—The term “State” means each of the*
 8 *several States of the United States, the District of Co-*
 9 *lumbia, the Commonwealth of Puerto Rico, the Virgin*
 10 *Islands, Guam, American Samoa, and the Common-*
 11 *wealth of the Northern Mariana Islands.*

12 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13 *There are authorized to be appropriated to the Attor-*
 14 *ney General such sums as may be necessary to carry out*
 15 *this Act.*

16 **SEC. 7. NATIONAL MEDAL OF VALOR OFFICE.**

17 *There is established within the Department of Justice*
 18 *a National Medal of Valor Office. The Office shall provide*
 19 *staff support to the Board to establish criteria and proce-*
 20 *dures for the submission of recommendations of nominees*
 21 *for the Medal of Valor and for the final design of the Medal*
 22 *of Valor.*

23 **SEC. 8. CONFORMING REPEAL.**

24 *Section 15 of the Federal Fire Prevention and Control*
 25 *Act of 1974 (15 U.S.C. 2214) is amended—*

1 (1) *by striking subsection (a) and inserting the*
 2 *following new subsection (a):*

3 “(a) *ESTABLISHMENT.—There is hereby established an*
 4 *honorary award for the recognition of outstanding and dis-*
 5 *tinguished service by public safety officers to be known as*
 6 *the Director’s Award For Distinguished Public Safety Serv-*
 7 *ice (‘Director’s Award’).’;*

8 (2) *in subsection (b)—*

9 (A) *by striking paragraph (1); and*

10 (B) *by striking “(2)”;*

11 (3) *by striking subsections (c) and (d) and redes-*
 12 *ignating subsections (e), (f), and (g) as subsections*
 13 *(c), (d), and (e), respectively; and*

14 (4) *in subsection (c), as so redesignated—*

15 (A) *by striking paragraph (1); and*

16 (B) *by striking “(2)”.*

17 **SEC. 9. CONSULTATION REQUIREMENT.**

18 *The Board shall consult with the Institute of Heraldry*
 19 *within the Department of Defense regarding the design and*
 20 *artistry of the Medal of Valor. The Board may also consider*
 21 *suggestions received by the Department of Justice regarding*
 22 *the design of the medal, including those made by persons*
 23 *not employed by the Department.*

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A BILL

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

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Reported with an amendment